

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

118853

FILE: R-207817

DATE: July 1, 1982

MATTER OF: Kingshead Corporation

DIGEST:

Protest that agency is willing to make award to firm which does not have central point of manufacture is dismissed since protest involves challenge to potential affirmative determination of responsibility, a matter generally not reviewed by GAO.

Kingshead Corporation protests that the General Services Administration is willing to make an award under invitation for bids (IFB) No. FTP-AY-F0116-A-6-17-82 to a company that lacks a centralized point of manufacture. Kingshead alleges that:

"Under solicitation regulations one of the significant required qualifications to be accepted as a responsible bidder is that the product being offered for sale to the United States Government be produced at a centralized point of manufacture."

Kingshead asserts that the company cannot meet that requirement because it is merely a broker or agent for a foreign firm which Kingshead says "is essentially a broker for some 60 or 70 small artisans."

Kingshead filed its protest prior to bid opening, now scheduled on July 20, and does not know that the company will submit a bid. Obviously, the protest is premature. Moreover, determinations that a prospective contractor is responsible involve essentially a business judgment and hence we will not review affirmative determinations of responsibility unless the protester shows fraud on the part of procurement officials or the solicitation contains definitive

responsibility criteria which allegedly have not been applied. Nedlog Company, B-204557, September 21, 1981, 81-2 CPD 235. There is no suggestion from the protester that either exception would apply here.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel